

Belli Loses Negligence Suit Here

By Jim Mann

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Melvin Belli, the nation's most prominent negligence lawyer—or as he himself puts it, the "King of Torts"—lost a case here yesterday in virtually unprecedented fashion.

For the past two weeks, Belli has been seeking \$1 million in damages against two D.C. doctors and a D.C. hospital in what seemed, for him, a common medical malpractice case.

Yesterday, U.S. District Court Judge Thomas A. Flannery threw Belli's case out of court, ruling that there was not sufficient evidence to allow it to go to the six-member jury.

Belli told a reporter afterwards that it was only the second time in his 38 years of practice that a case has been thrown out before it went to the jury. The last time, Belli said, the judge was later reversed on appeal. He said he plans to appeal Flannery's ruling, too.

"It will be the easiest appeal I ever had," promised the flamboyant, silver-haired attorney as he picked up his velvet briefcase and strode from the courtroom.

On a couple of occasions during the trial, Belli had engaged in verbal sparring with Flannery, the former U.S. attorney who has been a judge since last December. At one point, Belli commented that the judge "was scared of me at first."

Yesterday Belli remarked,

See BELLI, C2, Col. 1.

Famed Lawyer Belli Loses Case Here



MELVIN BELLI
... second in 38 years

BELLI, From C1

"I have nothing but respect for the judge. He's new, of course . . ." Belli said he is planning to apply for membership to the District of Columbia bar, and said he will ask Flannery to recommend him.

The case was brought on behalf of a 10-year-old boy, Roy C. Havens Jr., against the Children's Hospital and two physicians, pediatrician Judson Randolph and surgeon Allan B. Coleman.

The suit alleged that in 1964, when the boy was 2 and was suffering from high blood pressure, he was given a dye known as "Winthrop Hypaque" in preparation for a medical test known as an arteriogram.

Belli claimed that too much of the material was administered, and that as a result, the boy suffered partial paralysis from the waist down and a variety of other medical problems.

The boy himself, an attractive youngster with long blond hair, sat in the front row of the courtroom throughout most of the trial.

Belli said that the boy continues to suffer problems, including a partial paralysis in his legs, as a result of the administration of the dye, and said he will continue to suffer problems for most of his life.

He walked in and out of the courtroom with a pronounced limp. At one point, Belli told the jurors that the boy would suffer reduced sexual enjoyment in adult years as a result of his injuries.

Flannery ruled in favor of the doctors and the hospital yesterday before the defendants even presented their side of the case.

The judge dismissed the counts against the hospital on grounds that Coleman and Randolph were not acting as

agents of the hospital and that the institution therefore was not liable for their actions.

He dismissed the claims against the two doctors on grounds that Belli had failed to produce expert testimony from other physicians that the "standards of (medical) care then existing in the community" had been violated.